

4/15/19

L-63-19 Ist

ORDINANCE NO. 63-19

BY: **BRIAN BROCHETTI, ALLAN DIVIS, ROY J. JECH**
(By Request – Law Director)

AN ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROJECT LABOR AGREEMENT FOR THE RENOVATIONS TO A CITY BUILDING LOCATED AT 7335 RIDGE ROAD FOR OFFICE CONSTRUCTION AND RELOCATION OF THE LAW DEPARTMENT IN THE CITY OF PARMA, AND DECLARING AN EMERGENCY

WHEREAS, Chapter 1504 of the Parma Codified ordinances require Project Labor Agreements (PLA) when the estimate costs of a public improvement exceeds \$200,000.00; and,

WHEREAS, the City of Parma, Ohio, has determined and concluded that it is necessary to perform renovations on the City building located at 7335 Ridge Road in order to construct office space and relocate the Law Department; and,

WHEREAS, the City of Parma has determined that these renovations must start forthwith and be completed as soon as possible thereafter; and,

WHEREAS, the City of Parma has deemed it prudent to: (1) attempt to ensure the timely and efficient completion of such work, without any delay due to labor disputes or work stoppages, by establishing mechanisms for dispute resolution and by obtaining the contractual commitment of local construction trades and crafts not to engage in any work stoppages of any nature; (2) establish uniform working conditions for all construction trades and crafts that may be employed to work on the repair and restoration project referenced above; (3) ensure an adequate supply of trained and skilled labor; and, (4) to encourage vigorous competitive bidding by qualified contractors; and,

WHEREAS, the inclusion of a Project Labor Agreement between the City of Parma and the Cleveland Building and Construction Trades Council in the contract and bid specifications for the renovations referenced above will, in the judgment of the City of Parma, achieve the goals set forth in the paragraph immediately above; and,

WHEREAS, any contractor and any subcontractor shall be eligible to compete for work on the renovations referenced above regardless of the labor practices and affiliations of such contractors and subcontractors so long as they abide by, as a condition of their engagement, the requirements of a Project Labor Agreement; and,

WHEREAS, a Project Labor Agreement is authorized by law as a result of judicial decisions from the United States Supreme Court, the United States Court of Appeals for the Sixth Circuit, and the Ohio Supreme Court, in the cases of *Building and Construction Trades Council of the Metropolitan District v. Associated Builders of Contractors of Massachusetts/Rhode Island, Inc.*, 507 U.S. 218 (1993); *Enertech Electrical, Inc. v. Mahoning County Commissioners, et al.*, 85 F. 3d 257 (6th Cir. 1996) and *Ohio State Bldg. & Constr. Trades Council v. Cuyahoga Cty. Bd. of Commrs.*, 98 Ohio St. 3d 214 (2002);

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO:

Section 1. That the Mayor and/or the Director of Public Service are hereby authorized and directed to enter into a Project Labor Agreement and direct that the Project Labor Agreement then be made a part of the bid specifications for the renovations to a City building located at 7335 Ridge Road for the office construction and relocation of the Law Department and that compliance and acceptance of the Project Labor Agreement be made a condition for the engagement of any contractor or subcontractor bidding for work on such renovations, with a copy of said Agreement, in substantially similar form, attached hereto as Exhibit "A".

Section 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare of the City of Parma, and for the further reason that this measure is necessary in order to protect labor and unfair labor practices and to not delay the construction schedule, and this Ordinance shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to Council and approval of the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: _____ PRESIDENT OF COUNCIL

ATTEST: _____ APPROVED: _____
CLERK OF COUNCIL

FILED WITH
THE MAYOR: _____ MAYOR, CITY OF PARMA, OHIO